

DFEH News Brief

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VENTURA JURY AWARDS DAMAGES IN PREGNANCY DISCRIMINATION CASE

Elk Grove – The Department of Fair Employment and Housing (DFEH) today announced that a Ventura County Superior Court jury has awarded \$27,318.76 to a woman who was discriminated against because of her pregnancy by 25th Century Services, Inc. (25th Century), a Simi Valley employment agency.

Shannon Ortiz (Ortiz) worked as a recruiter for 25th Century Services, Inc. for four years. In the eighth month of her pregnancy, she sustained a fall which caused her to be briefly hospitalized. She was released by her treating physician to return to work. The physician certified that she was capable of performing the essential functions of her job with no restrictions. However, Lonce LaMon (LaMon), the sole shareholder and manager of 25th Century, refused to honor Ortiz's work release, instead placing Ortiz on leave for the duration of her pregnancy, claiming that she felt Ortiz was not physically capable of performing her assigned duties. LaMon refused to comply with the opinion of Ortiz's physician, substituting her own judgment about Ortiz's medical fitness.

Following an eight-day trial, the jury concluded that 25th Century violated the Fair Employment and Housing Act by refusing to reinstate Ortiz to her position in accordance with her treating physician's release, awarding Ortiz economic damages of \$2,318.76, in addition to \$4,000 for emotional distress and \$1,000 for future emotional distress.

The jury also ordered 25th Century to pay punitive damages in the amount of \$20,000, finding that 25th Century did not take all reasonable steps necessary to prevent discrimination in the workplace. Specifically, 25th Century consciously disregarded Ortiz's right to resume her duties after being released by her doctor and did not have an appropriate workplace policy prohibiting discrimination in place, despite having agreed to draft and implement such policy pursuant to a

settlement reached with the DFEH in approximately 2001. At that time, 25th Century settled another claim of pregnancy discrimination with no admission of wrong-doing or liability.

“This case emphasizes the importance of California employers having in place appropriate anti-discrimination policies and complaint procedures, and communicating the details of those policies to all of their employees,” commented DFEH Director Suzanne M. Ambrose today.

“Additionally, with limited exceptions, California employers are required to reinstate a woman who takes a protected pregnancy disability leave to her same position at the conclusion of the leave when her treating physician certifies that she is physically able to resume her duties. The employer is not permitted to substitute its own judgment for that of a medical provider.”

The DFEH enforces laws prohibiting discrimination in employment, housing, public accommodations and acts of hate violence. Further information about the DFEH and its services may be obtained by visiting the Department’s web site at www.dfeh.ca.gov or by calling (800) 884-1684.